



# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

☒

Declaration Submitted with Initial Filing

☐

Declaration Submitted after Initial Filing

Attorney Docket Number

X-16846M

First Named Inventor

DALLY, Robert Dean

**COMPLETE IF KNOWN**

Application Number

Filing Date

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SELECTIVE ESTROGEN RECEPTOR MODULATORS

the specification of which

☐ is attached hereto

OR

☒ was filed on  
(MM/DD/YYYY)

18 January 2005

as United States Application Number or PCT International

Application  
Number

PCT/US05/00021

and was amended on  
(MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional applications(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.
60/538,441	22 January 2004	
60/582,945	25 June 2004	

**DECLARATION**

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Attorney Name	Reg. No.
Arvie J. Anderson	45,263
Lynn D. Apelgren	45,341
Robert A. Armitage	27,417
Brian P. Barrett	39,597
Michael T. Bates	34,121
Roger S. Benjamin	27,025
Gary M. Birch	48,881
William R. Boudreaux	35,796
Steven P. Caltrider	36,467
Paul R. Cantrell	36,470
John Cleveland	50,697
Charles E. Cohen	34,565
Donald L. Corneglio	30,741
Gregory A. Cox	47,504
Paula K. Davis	47,517
John C. Demeter	30,167
Manisha A. Desai	43,585
Paul J. Gaylo	36,808
Caren D. Geppert	54,117
Francis O. Ginah	44,712
Amy E. Hamilton	33,894
Danica Hostettler	51,820
Thomas E. Jackson	33,064
Soonhee Jang	44,802
Gerald P. Keleher	43,707
James J. Kelley	41,888

Attorney Name	Reg. No.
Paul J. Koivuniemi	31,533
Thomas LaGrandeur	51,026
Robert E. Lee	27,919
James P. Leeds	35,241
Nelsen L. Lentz	38,537
Elizabeth A. McGraw	44,646
Douglas K. Norman	33,267
Arleen Palmberg	40,422
Thomas G. Plant	35,784
Edward Prein	37,212
Grant E. Reed	41,264
David M. Stemerick	40,187
Mark J. Stewart	43,936
Robert D. Titus	40,206
Robert C. Tucker	45,165
Tina M. Tucker	47,145
MaCharr Vorndran-Jones	36,711
Gilbert T. Voy	43,972
Thomas D. Webster	39,872
Lawrence T. Welch	29,487
Alexander Wilson	45,782
Mark A. Winter	53,782
MaryAnn Wiskerchen	45,511
Dan L. Wood	48,613

☐ Additional registered practitioner(s) named on a supplemental sheet attached hereto.

Direct all correspondence to:

Name	ELI LILLY AND COMPANY				
Address	ATTN: Gilbert T. Voy				
Address	Patent Division, P.O. Box 6288				
City	INDIANAPOLIS	State	INDIANA	ZIP	46206-6288
Country	US	Telephone	(317) 276-2966	Fax	(317) 276-3861

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A Petition has been filed for this unsigned inventor

Given Name	Robert	Middle Name	Dean	Family Name	Dally	Suffix e.g. Jr.	
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Inventor's Signature					Date	6/2/07/15
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Residence: City	Indianapolis	State	IN	Country	US	Citizenship	US
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Address	9656 Loganberry Lane				
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Post Office Address	SAME AS ABOVE				
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City	Indianapolis	State	IN	Zip	46256	Country	US
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☒ Additional Inventors are being named on supplement sheet(s) attached hereto.



## DECLARATION

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Jeffrey	Middle Name	Alan	Family Name	Dodge	Suffix e.g. Jr.	
Inventor's Signature	<i>Jeffrey Alan Dodge</i>					Date	02/07/05
Residence: City	Indianapolis	State	IN	Country	US	Citizenship	US
Address	7110 Lantern Road						
Post Office Address	SAME AS ABOVE						
City	Indianapolis	State	IN	Zip	46256	Country	US

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Conrad	Middle Name	Wilson	Family Name	Hummel	Suffix e.g. Jr.	
Inventor's Signature						Date	
Residence: City	Louisville	State	CO	Country	US	Citizenship	US
Address	1211 Kennedy Avenue						
Post Office Address	SAME AS ABOVE						
City	Louisville	State	CO	Zip	80027	Country	US

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Scott	Middle Name	Alan	Family Name	Jones	Suffix e.g. Jr.	
Inventor's Signature	<i>Scott Alan Jones</i>					Date	February 10, 2005
Residence: City	Indianapolis	State	IN	Country	US	Citizenship	US
Address	922 Southwood Drive						
Post Office Address	SAME AS ABOVE						
City	Indianapolis	State	IN	Zip	46227	Country	US

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Timothy	Middle Name	Alan	Family Name	Shepherd	Suffix e.g. Jr.	
Inventor's Signature	<i>Timothy Alan Shepherd</i>					Date	07 Feb 2005
Residence: City	Indianapolis	State	IN	Country	US	Citizenship	US
Address	8705 Country Woods Court						
Post Office Address	SAME AS ABOVE						
City	Indianapolis	State	IN	Zip	46217	Country	US

X

Additional Inventors are being named on supplement sheet(s) attached hereto.



## DECLARATION

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Owen	Middle Name	<del>Brendon</del> Brendan	Family Name	Wallace	Suffix e.g. Jr.	
Inventor's Signature	<i>Owen Brennan Wallace</i>					Date	8 Feb 2005
Residence: City	Zionsville	State	IN	Country	US	Citizenship	US
Address	4341 Chase Circle						
Post Office Address	SAME AS ABOVE						
City	Zionsville	State	IN	Zip	46077	Country	US

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Wayne	Middle Name	Woodrow	Family Name	Weber	Suffix e.g. Jr.	II
Inventor's Signature	<i>Wayne Woodrow Weber II</i>					Date	04 February 2005
Residence: City	Fortville	State	IN	Country	US	Citizenship	US
Address	10592 North Madison Brooks Drive						
Post Office Address	SAME AS ABOVE						
City	Fortville	State	IN	Zip	46040	Country	US

# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

Attorney Docket Number	X-16846M
First Named Inventor	DALLY, Robert Dean
<b>COMPLETE IF KNOWN</b>	
Application Number	
Filing Date	
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Examiner Name	

☒ Declaration Submitted with Initial Filing  
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			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.
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Danica Hostettler	51,820
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Soonhee Jang	44,802
Gerald P. Keleher	43,707
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Thomas LaGrandeur	51,026
Robert E. Lee	27,919
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**Name** ELI LILLY AND COMPANY

**Address** ATTN: Gilbert T. Voy

**Address** Patent Division, P.O. Box 6288

**City** INDIANAPOLIS **State** INDIANA **ZIP** 46206-6288

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**Name of Sole or First Inventor:** ☐ A Petition has been filed for this unsigned inventor

**Given Name** Robert **Middle Name** Dean **Family Name** Dally **Suffix e.g. Jr.**

**Inventor's Signature** **Date**

**Residence: City** Indianapolis **State** IN **Country** US **Citizenship** US

**Address** 9656 Loganberry Lane

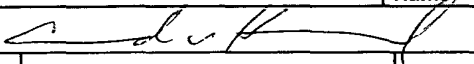
**Post Office Address** SAME AS ABOVE

**City** Indianapolis **State** IN **Zip** 46256 **Country** US

☒ Additional Inventors are being named on supplement sheet(s) attached hereto.

**DECLARATION**

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Jeffrey	Middle Name	Alan	Family Name	Dodge	Suffix e.g. Jr.	
Inventor's Signature						Date	
Residence: City	Indianapolis	State	IN	Country	US	Citizenship	US
Address	7110 Lantern Road						
Post Office Address	SAME AS ABOVE						
City	Indianapolis	State	IN	Zip	46256	Country	US

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A Petition has been filed for this unsigned inventor			
Given Name	Conrad	Middle Name	Wilson	Family Name	Hummel	Suffix e.g. Jr.	
Inventor's Signature						Date	24 Feb 2005
Residence: City	Louisville	State	CO	Country	US	Citizenship	US
Address	1211 Kennedy Avenue						
Post Office Address	SAME AS ABOVE						
City	Louisville	State	CO	Zip	80027	Country	US

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Inventor's Signature						Date	
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Address	922 Southwood Drive						
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Inventor's Signature						Date	
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Address	10592 North Madison Brooks Drive						
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby appoint:

☒ Practitioners associated with the Customer Number:

25885

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

Eli Lilly and Company

Patent Division

PO Box 6288

Indianapolis, Indiana 46206-6288

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Douglas K. Norman		
Signature	<i>Douglas K. Norman</i>	Date	10 August 2004
Title	Deputy General Counsel, General Patent Counsel	Telephone	317-433-1651

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**CERTIFICATE UNDER 37 CFR 3.73(b)**

First Applicant: Robert Dean DALLY, et al.

Serial No.:

Application Date:

US Nat'l Entry Date:

Entitled: SELECTIVE ESTROGEN RECEPTOR MODULATORS

ELI LILLY AND COMPANY, an Indiana Corporation

(Name of Assignee)

(Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above.

☐ The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame.

☒ The assignment is being submitted separately for recordation; a copy of this assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

06 July 2006  
Date

/Gilbert T. Voy/  
Gilbert T. Voy  
Patent Attorney

**ASSIGNMENT**

**WHEREAS** We, Robert Dean Dally, Jeffrey Alan Dodge, Scott Alan Jones, Timothy Alan Shepherd, Owen Brendan Wallace and Wayne Woodrow Webber are co-inventor (with the persons listed below) of an invention that is the subject of a patent application ("Application") which is entitled **SELECTIVE ESTROGEN RECEPTOR MODULATORS**, containing 165 pages and 0 drawings, and which:

☒ is being filed:

☐ was filed:

☐ in the United States Patent and Trademark Office

☐ in the United Kingdom Patent Office

☐ in the European Patent Office

☐ in the Spanish Patent Office as a European Application

☒ as an international application under the Patent Cooperation Treaty ("PCT"), with:

☒ United States Patent and Trademark Office acting as Receiving Office, or

☐ International Bureau acting as Receiving Office;

on 18 Jan 2005 and accorded serial number PCT/US2005/000021

and

**WHEREAS ELI LILLY AND COMPANY**, an Indiana corporation having its principal place of business at Lilly Corporate Center, Indianapolis, Indiana 46285, wishes to acquire the entire interest in all inventions disclosed in such Application;

**NOW, THEREFORE**, in consideration of my employment, any agreements related thereto, or other good and valuable consideration, the receipt of which is hereby acknowledged, I hereby assign to Eli Lilly and Company, its successors and assigns (collectively "Lilly") my entire right, title and interest in, to and under the Application, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all present or future patent applications to such inventions that may be filed in any country, inclusive of, but not limited to, continuations, continuations-in-part, divisions, substitutions, reexaminations, reissues, international applications filed under the PCT, United States provisional patent applications, subsequent United States provisional patent applications claiming some or all of this invention, certificates of addition, utility models, petty patents, as well as all other intellectual property related to the Application, inclusive of, but not limited to, supplementary protection certificates; and any related patent

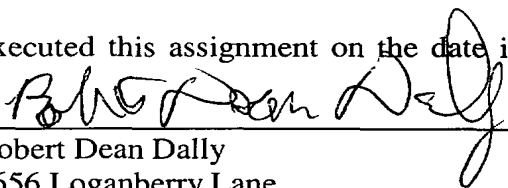
term extensions which may be granted for Letters Patent with respect to the Application; all of the above to be held and enjoyed by Lilly for its own use and enjoyment to the full end of the term or terms for which such Letters Patent and related intellectual property rights may be granted, as fully and entirely as the same would have been held and enjoyed by me had this Assignment and sale to Lilly not been made.

For myself and for my heirs, successors and legal representatives, I covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Assignment.

For myself and for my heirs, successors and legal representatives, I further covenant and agree with Lilly that upon request I and they will, without further consideration than that now paid, but at the expense of Lilly: (i) execute original, provisional, substitute, continuation, divisional, continuation-in-part, reexamined, or reissued applications, amended specifications, or rightful declarations or oaths for such application; (ii) communicate to Lilly any facts known to me or them relating to such inventions or the history thereof; (iii) execute preliminary statements and testify in any interference proceedings, litigation discovery proceedings and depositions, oppositions, cancellation proceedings, priority contests, public use proceedings, administrative agency proceedings, litigation and other court actions and the like; (iv) execute and deliver any application papers, affidavits, declarations, assignments, or other instruments; and (v) do all other acts which, in the opinion of counsel for Lilly, may be necessary or desirable to secure the grant of Letters Patent and related intellectual property to Lilly or its nominees, in the United States and in all other countries where Lilly may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by counsel for Lilly and to vest and confirm in Lilly or its nominees the full and complete legal and equitable title to all such Letters Patent and related intellectual property.

IN WITNESS WHEREOF I have executed this assignment on the date indicated below.

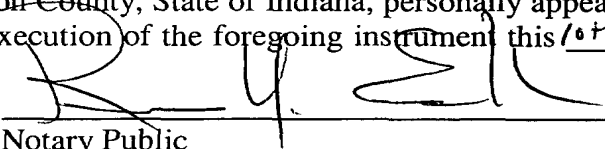
1-10-05  
Date

  
Robert Dean Dally  
9656 Loganberry Lane  
Indianapolis, Indiana 46256  
United States of America

UNITED STATES OF AMERICA

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF MARION        )

Before me, a Notary Public for Marion County, State of Indiana, personally appeared Robert Dean Dally and acknowledged the execution of the foregoing instrument this 10th day of January 2005.

  
Notary Public  
Commission Expires

**Renee Y. Edwards, Notary Public**  
**Resident of Marion County**  
**My Commission Expires:**  
**February 27, 2009**

1-10-05  
Date

Jeffrey Alan Dodge  
Jeffrey Alan Dodge  
7110 Lantern Road  
Indianapolis, Indiana 46256  
United States of America

UNITED STATES OF AMERICA

STATE OF INDIANA           )  
  ) SS:  
COUNTY OF MARION        )

Before me, a Notary Public for Marion County, State of Indiana, personally appeared Jeffrey Alan Dodge and acknowledged the execution of the foregoing instrument this 10<sup>th</sup> day of ~~January~~, 2005.

**Renee Y. Edwards, Notary Public**  
**Resident of Marion County**  
**My Commission Expires:**  
**February 27, 2009**

Renee Y. Edwards  
Notary Public  
Commission Expires: \_\_\_\_\_

February, 14, 2005  
Date

Scott Alan Jones  
Scott Alan Jones  
922 Southwood Drive  
Indianapolis, Indiana 46227  
United States of America

UNITED STATES OF AMERICA

STATE OF INDIANA           )  
  ) SS:  
COUNTY OF MARION        )

Before me, a Notary Public for Marion County, State of Indiana, personally appeared Scott Alan Jones and acknowledged the execution of the foregoing instrument this 14<sup>th</sup> day of ~~February~~, 2005.

**Renee Y. Edwards, Notary Public**  
**Resident of Marion County**  
**My Commission Expires:**  
**February 27, 2009**

Renee Y. Edwards  
Notary Public  
Commission Expires: \_\_\_\_\_

10-JAN-2005  
Date

Timothy Alan Shepherd  
Timothy Alan Shepherd  
8705 Country Woods Court  
Indianapolis, Indiana 46217  
United States of America

UNITED STATES OF AMERICA

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MARION     )

Before me, a Notary Public for Marion County, State of Indiana, personally appeared Timothy Alan Shepherd and acknowledged the execution of the foregoing instrument this 10th day of January 2005.

**Renee Y. Edwards, Notary Public**  
**Resident of Marion County**  
**My Commission Expires:**  
**February 27, 2009**

Renee Y. Edwards  
Notary Public  
Commission Expires: \_\_\_\_\_

11 Jan 2005  
Date

Owen Brendan Wallace  
Owen Brendan Wallace  
4341 Chase Circle  
Zionsville, Indiana 46077  
Citizenship: USA

UNITED STATES OF AMERICA

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MARION     )

Before me, a Notary Public for Marion County, State of Indiana, personally appeared Owen Brendan Wallace and acknowledged the execution of the foregoing instrument this 11th day of Jan, 2005.

**Renee Y. Edwards, Notary Public**  
**Resident of Marion County**  
**My Commission Expires:**  
**February 27, 2009**

Renee Y. Edwards  
Notary Public  
Commission Expires: \_\_\_\_\_

2/2/05  
Date

Wayne Woodrow Weber, II  
Wayne Woodrow Weber, II  
10592 North Madison Brooks Drive  
Fortville, Indiana 46040  
United States of America

UNITED STATES OF AMERICA

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MARION     )

Before me, a Notary Public for Marion County, State of Indiana, personally appeared Wayne Woodrow Weber and acknowledged the execution of the foregoing instrument this 2nd day of Feb, 2005.

Renee Y. Edwards  
Notary Public  
Commission Expires: \_\_\_\_\_

**Renee Y. Edwards, Notary Public**  
**Resident of Marion County**  
**My Commission Expires:**  
**February 27, 2009**

**ASSIGNMENT**

**WHEREAS I**, Conrad Wilson Hummel am a co-inventor (with the persons listed below) of an invention that is the subject of a patent application ("Application") which is entitled **SELECTIVE ESTROGEN RECEPTOR MODULATORS**, containing \_\_\_ pages and 0 drawings, and which:

☒ is being filed:  
☐ was filed:

- ☐ in the United States Patent and Trademark Office
- ☐ in the United Kingdom Patent Office
- ☐ in the European Patent Office
- ☐ in the Spanish Patent Office as a European Application

☒ as an international application under the Patent Cooperation Treaty ("PCT"), with:

- ☒ United States Patent and Trademark Office acting as Receiving Office, or
- ☐ International Bureau acting as Receiving Office;

on 18 January 2005 and accorded serial number PCT/US2005/000021

and

**WHEREAS ELI LILLY AND COMPANY**, an Indiana corporation having its principal place of business at Lilly Corporate Center, Indianapolis, Indiana 46285, wishes to acquire the entire interest in all inventions disclosed in such Application;

**NOW, THEREFORE**, in consideration of my employment, any agreements related thereto, or other good and valuable consideration, the receipt of which is hereby acknowledged, I hereby assign to Eli Lilly and Company, its successors and assigns (collectively "Lilly") my entire right, title and interest in, to and under the Application, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all present or future patent applications to such inventions that may be filed in any country, inclusive of, but not limited to, continuations, continuations-in-part, divisions, substitutions, reexaminations, reissues, international applications filed under the PCT, United States provisional patent applications, subsequent United States provisional patent applications claiming some or all of this invention, certificates of addition, utility models, petty patents, as well as all other intellectual property related to the Application, inclusive of, but not limited to, supplementary protection certificates; and any related patent



term extensions which may be granted for Letters Patent with respect to the Application; all of the above to be held and enjoyed by Lilly for its own use and enjoyment to the full end of the term or terms for which such Letters Patent and related intellectual property rights may be granted, as fully and entirely as the same would have been held and enjoyed by me had this Assignment and sale to Lilly not been made.

For myself and for my heirs, successors and legal representatives, I covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Assignment.

For myself and for my heirs, successors and legal representatives, I further covenant and agree with Lilly that upon request I and they will, without further consideration than that now paid, but at the expense of Lilly: (i) execute original, provisional, substitute, continuation, divisional, continuation-in-part, reexamined, or reissued applications, amended specifications, or rightful declarations or oaths for such application; (ii) communicate to Lilly any facts known to me or them relating to such inventions or the history thereof; (iii) execute preliminary statements and testify in any interference proceedings, litigation discovery proceedings and depositions, oppositions, cancellation proceedings, priority contests, public use proceedings, administrative agency proceedings, litigation and other court actions and the like; (iv) execute and deliver any application papers, affidavits, declarations, assignments, or other instruments; and (v) do all other acts which, in the opinion of counsel for Lilly, may be necessary or desirable to secure the grant of Letters Patent and related intellectual property to Lilly or its nominees, in the United States and in all other countries where Lilly may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by counsel for Lilly and to vest and confirm in Lilly or its nominees the full and complete legal and equitable title to all such Letters Patent and related intellectual property.

IN WITNESS WHEREOF I have executed this assignment on the date indicated below.

4/22/05  
Date

Conrad Wilson Hummel  
Conrad Wilson Hummel  
1211 Kennedy Avenue  
Louisville, Colorado 80027  
United States of America

UNITED STATES OF AMERICA

STATE OF Colorado  
COUNTY OF Boulder, SS:

Before me, a Notary Public for \_\_\_\_\_ County, State of Colorado, personally appeared Conrad Wilson Hummel and \_\_\_\_\_, acknowledged the execution of the foregoing instrument this 22<sup>nd</sup> day of April, 2005.

Carolyn Shaffer  
Notary Public  
Commission Expires: 3/20/2009



My Commission Expires 03/20/2009